

SERVICE DATE - AUGUST 25, 2003

This decision will be included in the bound volumes
of printed reports at a later date.

DECISION

STB Ex Parte No. 542 (Sub-No. 10)

REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES--2003 UPDATE

Decided: August 18, 2003

The Board adopts the 2003 User Fee Update.

BACKGROUND

The Surface Transportation Board (Board) is required by the regulations at 49 CFR 1002.3 to update its user fees annually. The Board's regulation at 49 CFR 1002.3(a) provides that the entire fee schedule or selected fees can be modified more than once a year, if necessary. The Board's fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d). Also, in some previous years, selected fees were modified to reflect new cost study data or changes in agency fee policy. The Board's last user fee update was issued in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services--2002 Update, STB Ex Parte No. 542 (Sub-No. 8) (STB served Mar. 7, 2002) (2002 Fee Update).¹

Because Board employees received a salary increase of 4.27% in January 2003, we are updating our user fees to recover those costs. All fees, with the exception of those discussed below, will be updated based on the cost formula at 49 CFR 1002.3(d).

2003 UPDATE FACTORS

For this update, the direct labor cost data have been revised to reflect the combined 2003 Government-wide general salary and 2003 locality salary increase of 4.27% that took effect in

¹ We note for informational purposes that in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services – Policy Statement, (STB Ex Parte No. 542 (Sub-No. 9) (STB served Oct. 23, 2002) the Board clarified the scope of its rules assessing a fee for filing an appeal to a Surface Transportation Board adjudicative decision or a petition to revoke or reject a notice of exemption.

January 2003. The Government Fringe Benefit Cost used in the update formula remains at 49.55%. Based on the Board's fiscal year (FY) 2002 actual budget data, the Office General and Administrative Expense Factor has decreased from 24.76% to 22.09%, and the Board's General and Administrative Expense Factor has also decreased from 9.38% to 9.07%. In addition, the Operations Overhead Factor, which is developed from FY 2002 payroll cost data, has dropped from 23.99% to 23.15%. The 2003 full cost for each fee item developed from these factors is set forth in **APPENDIX A**.

FEDERAL REGISTER COST

On March 1, 2002, the cost of publishing documents in the Federal Register was increased to \$155 per column. The minimum cost of publishing a document also was increased to \$155. The \$155 represented an increase of approximately 4.73% over the then-existing \$148 level of Federal Register costs. Based on a recent inquiry with the United States Government Printing Office, the 4.73% increase to the Federal Register publication cost is called for in this proceeding. Thus, publication costs have been increased to reflect the new rate.

FEE ITEMS INCREASED BASED ON DIFFERENT CONSIDERATIONS

In Regulations Governing Fees for Service--1996 Update, 1 S.T.B. 179 (1996) (1996 Fee Update I), based on concerns expressed by various parties commenting in that decision, the Board determined that fees for formal complaints would be set at 10% of the full cost and would be increased gradually to the full cost level. However, because of ongoing legislative debate regarding complaint fees when the 1996 Fee Update I was decided, the Board initially maintained all complaint fees at \$1,000.

In Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services-1996 Update, STB Ex Parte No. 542 (STB served Dec. 17, 1996) (1996 Fee Update II), the Board established fees for coal rail rate complaint cases and all other types of complaints, which did not involve rail maximum rate complaints filed by small shippers, at \$23,300 and \$2,300, respectively. Those fees became effective on January 16, 1997, and remained in effect until the Board's decision in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services--1998 Update, STB Ex Parte No. 542 (Sub-No. 2) (STB served Feb. 18, 1998), at which time the fees, based on a cost-of-living update, increased to \$27,000 and \$2,600, respectively. For the year 1999, the Board in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services--1999 Update, STB Ex Parte No. 542 (Sub-No. 3) (STB served Feb. 3, 1999) increased

the application percentage from 10% to 20% of full cost, as we were expected to do,² and increased the two fee items to \$54,500 and \$5,400, respectively.

Because of continuing legislative debate over the Board's rail rate reasonableness procedures, in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services – 2000 Update, STB Ex Parte No. 542 (Sub-No. 5) (STB served Dec. 11, 2000) the Board held the application percentage at 20%. However, the cost-of-living increase was applied to the direct labor costs, which resulted in the "Formal complaints filed under the coal rate guidelines" fee increasing to \$55,000 (\$500 increase over the 1999 fee) and the "All other formal complaint" fee remaining at \$5,400. Again in 2001, in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services–2001 Update, STB Ex Parte No. 542 (Sub-No. 7) (STB served Feb. 20, 2001), given continuing legislative debate over the Board's rail rate reasonableness procedures, we maintained the existing percentage application of 20% but applied the 2001 cost-of-living increase that we were applying across the board. Based on the 20% of full cost application, we revised fees for the two types of complaint proceedings and set them at \$57,500 (\$2,500 increase over the 2000 fee) and \$5,700 (\$300 increase over the 2000 fee), respectively.³

For the 2002 Fee Update, we continued to rely on the 20% of full cost application. Based on that application, the two complaint types were set at \$61,400 (\$3,900 increase over the 2001 fee) and \$6,000 (\$300 increase over the 2001 fee), respectively.⁴

² In keeping with the fourth recommendation found in the Department of Transportation Inspector General's Office Report (Report on Surface Transportation Board's User Fees, Report Number: CE-1999-021, Issued Nov. 17, 1998, at 11), we increased the application fee to 20% of full cost.

³ We adopted a fee for item 56(i), Formal complaints filed under the coal rate guidelines, set at \$57,500 per filing [\$287,749.20 (total 2001 cost) times 20% and then rounded]. We also adopted the fee for item 56(ii), All other formal complaints, set at \$5,700 per filing [\$28,549.60 (total 2001 cost) times 20% and then rounded].

⁴ For the 2002 update, we adopted a fee for item 56(i), Formal complaints filed under the coal rate guidelines, set at \$61,400 per filing [\$307,365.01 (total 2002 cost) times 20% and then rounded]. We also adopted the fee for item 56(ii), All other formal complaints, set at \$6,000 per filing [\$30,495.80 (total 2002 cost) times 20% and then rounded].

For the 2003 Fee Update, we are still relying on the 20% of full cost application. Based on that application these complaint types of proceedings are set at \$62,100 (\$700 increase over the 2002 fee) and \$6,100 (\$100 increase over the 2002 fee), respectively.⁵

In addition, the \$150 filing fees established in 1996 Fee Update I for items involving trails use requests, Amtrak conveyance and compensation proceedings, appeals to Board decisions, motor carrier undercharge proceedings and labor arbitration proceedings, adopted in 1996 Fee Update II, are maintained. Moreover, the fee for item 13, A feeder line development program, will remain at \$2,600, and fees for item 58(i), Petition for declaratory order involving a dispute over an existing rate or practice, and item 58(ii), All other petitions for declaratory order, are held at their current levels of \$1,000 and \$1,400, respectively.

NEW AND REVISED FEE ITEMS

New and revised fee items are at issue in a proceeding currently being considered by the Board. In Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2002 New Fees, STB Ex Parte No. 542 (Sub-No. 4) the Board is evaluating the addition of 22 new fee or sub-fee items and revisions to six of the Board's existing fee items. The six revised items are those \$150 fee items mentioned above. However, until such time as the Sub-No. 4 decision adopts those revisions, the existing \$150 fees are still in effect.

In addition, the Board is also amending and updating nine of the existing fee or sub-fee items to reflect Board processing changes. These amendments and updates deal with Carload Waybill Sample requests and Uniform Railroad Costing System (URCS) software and information requests. Like the six \$150 fee items mentioned above, these amendments and updates will not supercede the existing fees for these two request categories until such time as the Sub-No. 4 decision becomes final.

In the Board's 2004 User Fee Update, all fee and sub-fee items from this proceeding and from the Sub-No. 4 proceeding will be consolidated into one user fee decision.

NOTICE AND COMMENT REQUIREMENT

The fee increases involved here result from only the mechanical application of the current update formula at 49 CFR 1002.3(d), which was adopted through notice and comment

⁵ For the 2003 update, we adopt a fee for item 56(i), Formal complaints filed under the coal rate guidelines, set at \$62,100 per filing [\$310,623.05 (total 2003 cost) times 20% and then rounded]. We also adopt the fee for item 56(ii), All other formal complaints, set at \$6,100 per filing [\$30,819.06 (total 2003 cost) times 20% and then rounded].

procedures in Regulations Governing Fees for Services-1987 Update, 4 I.C.C.2d 137 (1987). Moreover, this decision does not contain any new fee items. Therefore, we find that notice and comment are unnecessary for this proceeding. See Regulations Governing Fees For Services-1990 Update, 7 I.C.C.2d 3 (1990); Regulations Governing Fees For Services-1991 Update, 8 I.C.C.2d 13 (1991); and Regulations Governing Fees For Services-1993 Update, 9 I.C.C.2d 855 (1993).

REGULATORY FLEXIBILITY ANALYSIS

We certify that these rules will not have a significant economic effect on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

It is ordered:

1. 49 CFR Part 1002 of the Code of Federal Regulations is amended as set forth in **APPENDIX B**. Notice of the final rules adopted here will be transmitted to Congress pursuant to Pub. L. 104-121 (Mar. 29, 1996).

2. These rules are effective September 24, 2003.

By the Board, Chairman Nober.

(SEAL)

Vernon A. Williams
Secretary

APPENDIX A

FEE	2002 DIRECT LABOR	2003 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	(23.15%) OPERATIONS OVERHEAD	(22.09%) OFFICE G&A	(9.07%) BOARD G&A	(4.73% INCR) PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
1	1,289.88	1,344.96	666.43	2,011.38	465.64	547.17	274.29	4.00	3,302.49
2	543.80	567.02	280.96	847.98	196.31	230.68	115.64	184.38	1,574.99
3	7,995.41	8,336.81	4,130.89	12,467.71	2,886.27	3,391.69	1,700.23	184.38	20,630.28
4i	1,289.88	1,344.96	666.43	2,011.38	465.64	547.17	274.29	184.38	3,482.87
4ii	31.00	32.32	16.02	48.34	11.19	13.15	6.59	0.00	79.27
5	145.48	151.69	75.16	226.86	52.52	61.71	30.94	5.00	377.02
6	416.30	434.08	215.08	649.16	150.28	176.60	88.53	266.41	1,330.98
11i	2,073.87	2,162.42	1,071.48	3,233.91	748.65	879.75	441.01	155.00	5,458.31
11ii	444.08	463.04	229.44	692.48	160.31	188.38	94.43	284.17	1,419.78
11iii	3,611.09	3,765.28	1,865.70	5,630.98	1,303.57	1,531.84	767.90	184.38	9,418.68
12i	21,672.24	22,597.64	11,197.13	33,794.78	7,823.49	9,193.48	4,608.63	199.28	55,619.65
12ii	444.08	463.04	229.44	692.48	160.31	188.38	94.43	284.17	1,419.78
12iii	21,672.24	22,597.64	11,197.13	33,794.78	7,823.49	9,193.48	4,608.63	199.28	55,619.65
13	6,656.60	6,940.84	3,439.18	10,380.02	2,402.97	2,823.76	1,415.53	180.84	17,203.13
14i	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	184.38	4,673.83
14ii	444.08	463.04	229.44	692.48	160.31	188.38	94.43	284.17	1,419.78
14iii	1,872.28	1,952.23	967.33	2,919.55	675.88	794.23	398.14	203.45	4,991.25
15	448.29	467.43	231.61	699.04	161.83	190.17	95.33	158.53	1,304.90
21i	6,412.67	6,686.49	3,313.16	9,999.65	2,314.92	2,720.29	1,363.66	155.00	16,553.51
21ii	957.27	998.15	494.58	1,492.73	345.57	406.08	203.56	393.39	2,841.32
21iii	1,777.24	1,853.13	918.22	2,771.35	641.57	753.91	377.93	225.95	4,770.72
22	138.68	144.60	71.65	216.25	50.06	58.83	29.49	0.00	354.63

STB Ex Parte No. 542 (Sub-No. 10)

FEE	2002 DIRECT LABOR	2003 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	(23.15%) OPERATIONS OVERHEAD	(22.09%) OFFICE G&A	(9.07%) BOARD G&A	(4.73% INCR) PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
23	553.36	576.99	285.90	862.89	199.76	234.74	117.67	0.00	1,415.06
24	529.51	552.12	273.58	825.70	191.15	224.62	112.60	0.00	1,354.07
25	455.47	474.92	235.32	710.24	164.42	193.21	96.86	0.00	1,164.73
26	6,599.98	6,881.80	3,409.93	10,291.73	2,382.54	2,799.75	1,403.49	0.00	16,877.50
27	341.49	356.07	176.43	532.51	123.27	144.86	72.62	0.00	873.26
36	5,466.88	5,700.32	2,824.51	8,524.82	1,973.50	2,319.08	1,162.54	184.38	14,164.31
37	2,927.77	3,052.79	1,512.66	4,565.44	1,056.90	1,241.98	622.59	184.38	7,671.29
38i	432,518.58	450,987.12	223,464.12	674,451.24	156,135.46	183,476.60	91,975.54	5,696.35	1,111,735.20
38ii	86,505.46	90,199.24	44,693.72	134,892.97	31,227.72	36,696.06	18,395.48	1,139.26	222,351.49
38iii	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
38iv	416.30	434.08	215.08	649.16	150.28	176.60	88.53	266.41	1,330.98
38v	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
38vi	2,679.84	2,794.27	1,384.56	4,178.83	967.40	1,136.80	569.87	184.38	7,037.28
39i	432,518.58	450,987.12	223,464.12	674,451.24	156,135.46	183,476.60	91,975.54	5,696.35	1,111,735.20
39ii	86,505.46	90,199.24	44,693.72	134,892.97	31,227.72	36,696.06	18,395.48	1,139.26	222,351.49
39iii	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
39iv	302.16	315.06	156.11	471.18	109.08	128.18	64.25	286.75	1,059.44
39v	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
39vi	2,679.84	2,794.27	1,384.56	4,178.83	967.40	1,136.80	569.87	184.38	7,037.28
40i	432,518.58	450,987.12	223,464.12	674,451.24	156,135.46	183,476.60	91,975.54	5,696.35	1,111,735.20
40ii	86,505.46	90,199.24	44,693.72	134,892.97	31,227.72	36,696.06	18,395.48	1,139.26	222,351.49
40iii	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
40iv	279.87	291.82	144.60	436.42	101.03	118.72	59.51	234.46	950.14

STB Ex Parte No. 542 (Sub-No. 10)

FEE	2002 DIRECT LABOR	2003 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	(23.15%) OPERATIONS OVERHEAD	(22.09%) OFFICE G&A	(9.07%) BOARD G&A	(4.73% INCR) PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
40v	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
40vi	2,679.84	2,794.27	1,384.56	4,178.83	967.40	1,136.80	569.87	184.38	7,037.28
41i	432,518.58	450,987.12	223,464.12	674,451.24	156,135.46	183,476.60	91,975.54	5,696.35	1,111,735.20
41ii	86,505.46	90,199.24	44,693.72	134,892.97	31,227.72	36,696.06	18,395.48	1,139.26	222,351.49
41iii	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
41iv	332.76	346.97	171.92	518.89	120.12	141.16	70.76	265.72	1,116.66
41v	1,755.61	1,830.57	907.05	2,737.62	633.76	744.74	373.33	1,456.48	5,945.94
41vi	1,872.28	1,952.23	967.33	2,919.55	675.88	794.23	398.14	203.45	4,991.25
42	600.94	626.60	310.48	937.08	216.93	254.92	127.79	335.84	1,872.56
43	20,281.20	21,147.21	10,478.44	31,625.65	7,321.34	8,603.39	4,312.82	184.38	52,047.57
44i	3,715.59	3,874.25	1,919.69	5,793.93	1,341.30	1,576.17	790.12	184.38	9,685.90
44ii	31.00	32.32	16.02	48.34	11.19	13.15	6.59	0.00	79.27
45	230.78	240.63	119.23	359.87	83.31	97.90	49.08	0.00	590.15
46	2,280.59	2,377.97	1,178.28	3,556.26	823.27	967.44	484.97	184.38	6,016.31
47	43,864.94	45,737.97	22,663.17	68,401.14	15,834.86	18,607.73	9,327.93	0.00	112,171.66
48	53,203.49	55,475.28	27,488.00	82,963.28	19,206.00	22,569.19	11,313.78	0.00	136,052.25
56i	121,469.73	126,656.49	62,758.29	189,414.78	43,849.52	51,528.08	25,830.67	0.00	310,623.05
56ii	12,051.85	12,566.46	6,226.68	18,793.15	4,350.61	5,112.46	2,562.84	0.00	30,819.06
56iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
57	2,584.95	2,695.33	1,335.53	4,030.86	933.14	1,096.55	549.69	0.00	6,610.25
58i	2,428.41	2,532.10	1,254.66	3,786.76	876.63	1,030.14	516.40	581.26	6,791.21
58ii	1,921.48	2,003.53	992.75	2,996.27	693.64	815.10	408.60	155.00	5,068.62

STB Ex Parte No. 542 (Sub-No. 10)

FEE	2002 DIRECT LABOR	2003 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	(23.15%) OPERATIONS OVERHEAD	(22.09%) OFFICE G&A	(9.07%) BOARD G&A	(4.73% INCR) PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
59	1,997.60	2,082.90	1,032.08	3,114.97	721.12	847.39	424.79	184.38	5,292.65
60	3,958.34	4,127.36	2,045.11	6,172.47	1,428.93	1,679.15	841.75	0.00	10,122.29
61	1,929.74	2,012.14	997.02	3,009.16	696.62	818.61	410.36	0.00	4,934.74
62	3,057.25	3,187.79	1,579.55	4,767.35	1,103.64	1,296.90	650.13	0.00	7,818.02
76	361.81	377.26	186.93	564.19	130.61	153.48	76.94	2.00	927.22
77	38.27	39.90	19.77	59.68	13.82	16.23	8.14	0.00	97.86
78i	7.20	7.51	3.72	11.23	2.60	3.05	1.53	0.00	18.41
78ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
79i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
79ii	45.60	47.55	23.56	71.11	16.46	19.34	9.70	0.00	116.61
80	178.47	186.09	92.21	278.30	64.43	75.71	37.95	0.00	456.38
81i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
81ii	45.60	47.55	23.56	71.11	16.46	19.34	9.70	0.00	116.61
82	72.47	75.56	37.44	113.01	26.16	30.74	15.41	0.00	185.32
83	11.98	12.49	6.19	18.68	4.32	5.08	2.55	0.00	30.64
84	77.62	80.93	40.10	121.04	28.02	32.93	16.51	0.00	198.49
85	333.66	347.91	172.39	520.30	120.45	141.54	70.95	0.00	853.24
86	434.74	453.30	224.61	677.92	156.94	184.42	92.45	0.00	1,111.72
87i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
87ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
87iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
87iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00

STB Ex Parte No. 542 (Sub-No. 10)

FEE	2002 DIRECT LABOR	2003 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	(23.15%) OPERATIONS OVERHEAD	(22.09%) OFFICE G&A	(9.07%) BOARD G&A	(4.73% INCR) PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
87v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
96	9.37	9.77	4.84	14.61	3.38	3.97	1.99	0.00	23.96
97	7.12	7.42	3.68	11.10	2.57	3.02	1.51	0.00	18.21
98i	90.61	94.48	46.81	141.29	32.71	38.44	19.27	0.00	231.71
98ii	135.01	140.77	69.75	210.53	48.74	57.27	28.71	155.00	500.25
99i	55.69	58.07	28.77	86.84	20.10	23.62	11.84	0.00	142.41
99ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
100i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
100ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
100iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
100iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
100v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00
100vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
100vii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00
101i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
101ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
101iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	650.00
101iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
101v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
101vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00

STB Ex Parte No. 542 (Sub-No. 10)

FEE	2002 DIRECT LABOR	2003 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	(23.15%) OPERATIONS OVERHEAD	(22.09%) OFFICE G&A	(9.07%) BOARD G&A	(4.73% INCR) PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
*102	4.96	5.17	2.56	7.73	1.79	2.10	1.05	0.00	12.68
*103	30.73	32.04	15.88	47.92	11.09	13.04	6.53	0.00	78.58
*104	21.26	22.17	10.98	33.15	7.67	9.02	4.52	0.00	54.37
*105	0.69	0.72	0.36	1.08	0.25	0.29	0.15	0.00	1.76
*106	53.46	55.74	27.62	83.36	19.30	22.68	11.37	0.00	136.71

APPENDIX B

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

Part 1002 - FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a). 2. Section 1002.1 is amended by revising paragraphs (b), (c), and (e)(1) and the table in paragraph (f)(6) to read as follows:

§1002.1 Fees for record search, review, copying, certification, and related services.

* * * * *

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$32.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., incidental thereto, at the rate of \$22.00 per hour.

* * * * *

(e) * * *

(1) A fee of \$55.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

* * * * *

(f) * * *

(6) * * *

Grade	Rate	Grade	Rate
GS-1	\$ 9.31	GS-9	\$21.75
GS-2	10.14	GS-10	23.95
GS-3	11.43	GS-11	26.31
GS-4	12.83	GS-12	31.53
GS-5	14.35	GS-13	37.50
GS-6	16.00	GS-14	44.31
GS-7	17.78	GS-15 and	52.13
GS-8	19.69	over	

* * * * *

2. In §1002.2, paragraph (f) is revised as follows:

§ 1002.2 Filing fees.

(a) ***

(f) Schedule of filing fees.

Type of Proceeding	Fee
PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic . . .	\$3,300.
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303	\$1,500.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703.	\$20,600.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	\$3,400.
(ii) Minor amendment	\$70.
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i)	\$350.
(6) A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family . .	\$1,300.
(7)-(10) [Reserved]	
PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:	
(11) (i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901	\$5,400.

(ii) Notice of exemption under 49 CFR 1150.31-1150.35	\$1,400.
(iii) Petition for exemption under 49 U.S.C. 10502 ...	\$9,400.
(12) (i) An application involving the construction of a rail line	\$55,600.
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36	\$1,400.
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	\$55,600.
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	\$2,600.
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	\$4,600.
(ii) Notice of exemption under 49 CFR 1150.41 - 1150.45	\$1,400.
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902	\$4,900.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21-1150.24	\$1,300.
(16)-(20) [Reserved]	

PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:	
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97-35], bankrupt railroads, or exempt abandonments) ...	\$16,500.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	\$2,800.
(iii) A petition for exemption under 49 U.S.C. 10502 .	\$4,700.

(22)	An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act.	\$350.
(23)	Abandonments filed by bankrupt railroads	\$1,400.
(24)	A request for waiver of filing requirements for abandonment application proceedings	\$1,300.
(25)	An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment	\$1,100.
(26)	A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	\$16,800.
(27)	A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)	\$150.
(28)-(35) [Reserved]		

PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:		
(36)	An application for use of terminal facilities or other applications under 49 U.S.C. 11102	\$14,100.
(37)	An application for the pooling or division of traffic. 49 U.S.C. 11322	\$7,600.
(38)	An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
	(i) Major transaction	\$1,111,700.
	(ii) Significant transaction	\$222,300.
	(iii) Minor transaction	\$5,900.
	(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,300.
	(v) Responsive application	\$5,900.

(vi) Petition for exemption under 49 U.S.C. 10502 . . .	\$7,000.
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$1,111,700.
(ii) Significant transaction	\$222,300.
(iii) Minor transaction	\$5,900.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,000.
(v) Responsive application	\$5,900.
(vi) Petition for exemption under 49 U.S.C. 10502 . . .	\$7,000.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	\$1,111,700.
(ii) Significant transaction	\$222,300.
(iii) Minor transaction	\$5,900.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$950.
(v) Responsive application	\$5,900.
(vi) Petition for exemption under 49 U.S.C. 10502 . . .	\$7,000.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$1,111,700.
(ii) Significant transaction	\$222,300.
(iii) Minor transaction	\$5,900.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,100.
(v) Responsive application	\$5,900.

(vi) Petition for exemption under 49 U.S.C. 10502 . . .	\$4,900.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	\$1,800.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	\$52,000.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	\$9,600.
(ii) Minor amendment	\$70.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	\$550.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered	\$6,000.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	\$150.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act	\$150.
(49)-(55) [Reserved]	

PART V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1)	\$62,100.
(ii) All other formal complaints (except competitive access complaints	\$6,100.
(iii) Competitive access complaints	\$150.
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705	\$6,600.

(58)	A petition for declaratory order: (i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding	\$1,000.
	(ii) All other petitions for declaratory order	\$1,400.
(59)	An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	\$5,200.
(60)	Labor arbitration proceedings	\$150.
(61)	Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d)	\$150.
(62)	Motor carrier undercharge proceedings	\$150.
(63)-(75) [Reserved]		

PART VI: Informal Proceedings:		
(76)	An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706	\$900.
(77)	An application for special permission for short notice or the waiver of other tariff publishing requirements	\$90.
(78)	(i) The filing of tariffs, including supplements, or contract summaries	\$1 per page. (\$18 minimum charge.)
	(ii) Tariffs transmitted by fax	\$1 per page.
(79)	Special docket applications from rail and water carriers: (i) Applications involving \$25,000 or less	\$50.
	(ii) Applications involving over \$25,000	\$100.
(80)	Informal complaint about rail rate applications	\$450.
(81)	Tariff reconciliation petitions from motor common carriers: (i) Petitions involving \$25,000 or less	\$50.
	(ii) Petitions involving over \$25,000	\$100.

(82)	Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3)	\$150.
(83)	Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c).	\$30 per document.
(84)	Informal opinions about rate applications (all modes) . .	\$150.
(85)	A railroad accounting interpretation	\$850.
(86)	An operational interpretation	\$1,100.
(87)	Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
	(i) Complaint	\$75.
	(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
	(iii) Third Party Complaint	\$75.
	(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
	(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	\$150.
(88)-(95) [Reserved]		

PART VII: Services:		
(96)	Messenger delivery of decision to a railroad carrier's Washington, DC, agent	\$23 per delivery.
(97)	Request for service or pleading list for proceedings . . .	\$18 per list.
(98)	(i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a <u>Federal Register</u> notice	\$200.
	(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a <u>Federal Register</u> notice	\$500.

(99)	(i) Application fee for the Surface Transportation Board's Practitioners' Exam	\$100.
	(ii) Practitioners' Exam Information Package	\$25.
(100)	Uniform Railroad Costing System (URCS) software and information:	
	(i) Initial PC version URCS Phase III software program and manual	\$50.
	(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	\$10.
	(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	\$20.
	(iv) Public requests for <u>Source Codes</u> to the PC version URCS Phase III	\$500.
	(v) PC version or mainframe version URCS Phase II ..	\$400.
	(vi) PC version or mainframe version Updated Phase II databases	\$50.
	(vii) Public requests for <u>Source Codes</u> to PC version URCS Phase II	\$1,500.
(101)	Carload Waybill Sample data on recordable compact disk (R-CD):	
	(i) Requests for Public Use File on R-CD -First Year ..	\$450.
	(ii) Requests for Public Use File on R-CD Each Additional Year	\$150.
	(iii) Waybill - Surface Transportation Board or State proceedings on R-CD - First Year	\$650.
	(iv) Waybill - Surface Transportation Board or State proceedings on R-CD - Second Year on same R-CD ..	\$450.
	(v) Waybill - Surface Transportation Board of State proceeding on R-CD - Second Year on different R-CD	\$500.
	(vi) User Guide for latest available Carload Waybill Sample	\$50.
